

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
CZEKAJ, et al.

Examiner: T. McKenzie

Art Unit: 1624

Application No.: 10/686,871

Filed: October 16, 2003

Title: N-ACYLPYRROLIDIN-2-
YLALYKLBENZAMIDINE
DERIVATIVES

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Petition to Waive Signature Requirement for Non-Signing Inventor
Pursuant to 37 C.F.R. § 1.47(a)

Applicants submit herewith a Petition requesting that the Office waive the requirement for the signature of inventor Scott Klein on the accompanying Supplemental Declaration, pursuant to 37 C.F.R. § 1.183.

A Supplemental Declaration is submitted herewith which lists inventors Scott I. Klein ("Klein"), Mark Czejak ("Czejak") and Heinz W. Pauls ("Pauls"). The Supplemental Declaration has been executed by inventors Czejak and Pauls.

This petition is supported by the declaration of Mr. Paul Irvine, a Legal Assistant at sanofi-aventis U.S. LLC. In his declaration, Mr. Irvine testifies that he personally spoke to inventor Klein, who unequivocally stated that he would *not* sign the Supplemental Declaration (*see* Irvine Declaration at ¶ 2). Thus, despite such diligent efforts, inventor Klein has refused to make himself available to sign the Supplemental Declaration.

The requirement that the Supplemental Declaration be executed by all inventors is set forth in 37 C.F.R. § 1.67. This requirement is established by an administrative rule, not a

statute, which the Director may waive upon Petition. Accordingly, Applicants hereby petition the Director pursuant to 37 C.F.R. §§ 1.47(a) and 1.183 to waive the signature requirement with regard to non-signing inventor Klein and accept the Supplemental Declaration.

The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 18-1982 in the name of Aventis Pharmaceuticals Inc.

Respectfully submitted,

Dated: September 5, 2006

/Joseph D. Rossi/
Joseph D. Rossi
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Declaration in Support of Petition to Waive Rule Pursuant to 37 C.F.R. § 1.183

Sir:

I, Paul Irvine, a citizen of the United States hereby declare and state:

1. I am currently employed by sanofi-aventis U.S. LLC, as a Legal Assistant.
2. On August 2, 2006, I personally spoke to inventor Scott Klein and asked him to sign the Supplemental Declaration. Mr. Klein stated that he would not sign the Declaration.
3. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and/or imprisonment under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Date: 9/5/06

Signature: 